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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Chuen Rong Leu et al.  
Assignee: Bridge Semiconductor Corporation  
Title: SEMICONDUCTOR CHIP ASSEMBLY WITH EMBEDDED METAL PILLAR  
Serial No.: 10/714,794 Filed: November 17, 2003  
Examiner: Williams, A. Group Art Unit: 2826  
Atty. Docket No.: BDG024

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COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION FOR WITHDRAWAL OF  
RESTRICTION REQUIREMENT**

Dear Sir:

This Petition is filed under 37 C.F.R. § 1.144 to request that the outstanding restriction requirement be withdrawn.

**I. FACTS**

The captioned-application was filed on November 17, 2003 and presented claims 1-24 and 26-100. Thereafter, a Preliminary Amendment was filed on September 2, 2004 and added claims 25 and 101-110.

The Office Action dated September 1, 2005, issued a restriction requirement. The Examiner asserted that the application contains claims directed to the following patentably distinct species: "Any one species or any one set of drawings of one species in figures 1-37." The Examiner also asserted that "Currently, no claims are generic to all figures."

The Response filed on September 6, 2005, provisionally elected claims 1, 3-6, 8-11, 14, 16-18, 22, 25, 29-37, 40, 41, 43, 44, 46, 48, 50-52, 54-58, 61-62, 64, 66-68, 101/1, 101/41, 101/61, 102/1, 102/41, 102/61, 103/1, 103/41, 103/61, 104/1, 104/41, 104/61, 105/1, 105/41, 105/61, 106/1, 106/41, 106/61, 107/1, 107/41, 107/61, 108/1, 108/41, 108/61, 109/1, 109/41, 109/61, 110/1, 110/41 and 110/61 (Figures 19A, 19B and 19C) for prosecution on the merits. The Response also traversed the restriction requirement and requested that it be withdrawn. The arguments are repeated below.

The Office Action dated October 26, 2005, maintained the restriction requirement. The Examiner did not even attempt to address the arguments in the Response.

## II. ARGUMENTS

The restriction requirement is flawed for several reasons.

First, claim 1 (and may other claims) is generic to all the figures.

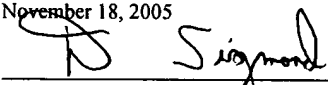
Second, there must be a serious burden on the Examiner if the restriction is required (M.P.E.P. § 803). Where the related inventions as claimed are shown to be distinct, the Examiner, in order to establish reasons for insisting upon restriction, must show by appropriate explanation one of the following: (A) separate classification thereof; (B) a separate status in the art when they are classifiable together; or (C) a different field of search (M.P.E.P. § 808.02).

The Examiner has not even attempted to explain how examining the species would involve separate classification, separate status in the art, or a different field of search (M.P.E.P. § 808.02). Therefore, the Examiner has ignored mandatory elements set forth in the M.P.E.P. and the restriction requirement is improper.

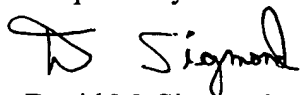
The Examiner has the burden of establishing that the restriction requirement is justified. The mandatory elements set forth in the M.P.E.P. prevent the Examiner from having unfettered discretion over issuing restriction requirements that force Applicant to file divisional applications and absorb the related costs and delays in order to have the non-elected claims considered on the merits.

If, however, the Examiner can obtain a restriction requirement merely by asserting that different figures are different species then these mandatory elements are easily circumvented and rendered meaningless.

For these reasons, Applicant respectfully asserts that the restriction requirement is totally unjustified and requests that it be withdrawn.

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| I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on November 18, 2005 |                   |
|   | <u>11, 18, 05</u> |
| David M. Sigmond<br>Attorney for Applicant   | Date of Signature |

Respectfully submitted,



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